

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case Number: 1:23-cv-23858-XXXX

ROBERT SCOT JAMES, individually,
and CORE2000, LLC,

Plaintiffs,

v.

HONORS HOLDINGS, LLC,

Defendant,

v.

ULTIMATE FITNESS GROUP, LLC, d/b/a
ORANGE THEORY FITNESS

Garnishee.

/

EX PARTE MOTION FOR WRIT OF GARNISHMENT AFTER JUDGMENT

Plaintiffs, ROBERT SCOT JAMES and CORE 2000, LLC (“**Plaintiffs**”), by and through undersigned counsel and pursuant to Rules 64 and 69 of the Federal Rules of Civil Procedure and Chapter 77, Florida Statutes, hereby moves Honorable Court for issuance of a Writ of Garnishment after Judgment directed to ULTIMATE FITNESS GROUP, LLC, doing business as ORANGE THEORY FITNESS (“**Garnishee**”), who is believed by Plaintiffs to have possession or control of tangible assets of Defendant, HONORS HOLDINGS, LLC (“**Defendant**”), and as grounds thereof would state:

1. On September 29, 2023, the United States District Court for the District of Delaware entered a Final Judgment (“**the Judgment**”) in favor of Plaintiffs and against Defendant in the amount of \$5,947,533.00 (five million, nine-hundred and forty-seven thousand, five-

hundred and thirty-three dollars), which constitute the principal amount of Plaintiff's claim, plus pre-judgment interest accrued as of September 28, 2023.

2. Pursuant to the parties' Agreement, the Judgment entered Plaintiffs' attorneys' fees for Plaintiffs and against Defendant in the additional amount of \$85,000.00 (eighty-five thousand dollars). Together with the amount set forth in Paragraph 1, the Judgment entered for Plaintiffs and against Defendants add up to a total amount of \$6,032,533.00 (six million, thirty-two thousand, five-hundred and thirty-three dollars) owed as of September 28, 2023.

3. The Judgment further ordered that post-judgment interest continue to accrue on the amount set forth in Paragraph 1 above at the contractual rate of 15% per annum until paid in full.

4. On October 10, 2023, Plaintiffs registered the Judgment in this Court.

5. The amount of the Judgment remains unpaid and unsatisfied. There remains due and owing the amount of \$6,032,533.00 plus accrued post-judgment interest of 15% per annum since September 28, 2023, pursuant to 28 U.S.C. § 1961.

6. Garnishee is believed to have in its possession and control certain monies or property belonging to Defendant sufficient to satisfy the Judgment in whole or in part.

7. All conditions precedent to the institution of this proceeding have occurred or have been performed, and Defendant acknowledges its obligation under § 77.28, Fla. Stat. to compensate Garnishee \$100 upon demand of Garnishee's attorney.

WHEREFORE, Plaintiffs ROBERT SCOT JAMES and CORE2000, LLC, respectfully request that this Court enter an Order granting this Motion and directing the Clerk of Court to issue a Writ of Garnishment directed to ULTIMATE FITNESS GROUP, LLC, doing business as ORANGE THEORY FITNESS in the amount of \$6,032,533.00 and granting such other relief this Court deems just and proper.

Dated: October 17, 2023

Respectfully submitted,

**NELSON MULLINS RILEY &
SCARBOROUGH, LLP**

/s/ Francisco Armada

Francisco Armada, Esq. | Fla. Bar. No. 45291
francisco.armada@nelsonmullins.com
2 S. Biscayne Boulevard, 21st Floor
Miami, Florida 33131
Tel: 305.373.9411
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on October 17, 2023, we electronically filed the foregoing document with the Clerk of Court using CM/ECF, which will serve a copy of the document on all counsel of record, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel of parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Francisco Armada
Francisco Armada, Esq.
Fla. Bar. No. 45291